

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
MARCH 8, 2005

• STUDY SESSION

Mayor Dirksen called the meeting to order at 6:32 p.m.

City Council present: Mayor Dirksen; Councilors Harding, Sherwood (arrived at 6:37 p.m.), and Wilson. Councilor Woodruff was absent.

- > ADMINISTRATIVE ITEMS - Interim City Manager Prosser reviewed the following with the City Council:
- a. Distributed hard copy of tonight's agenda to City Council.
 - b. Noted a change to Item 3.3 – Request should be to "Adopt new collective bargaining agreement between City and TPOA (Tigard Police Officers Association) and authorize the *City Manager* (rather than the Mayor) to sign the agreement."
 - c. Meeting with Tigard Tualatin School District Board and City of Tualatin City Council scheduled for April 4, 2005. Interim City Manager Prosser suggested starting this meeting at 7 p.m.
 - d. City Council agreed, as suggested by Interim City Manager Prosser, to hear a Council Goal Update on April 4 before the Joint Meeting. The goal update portion of the meeting will begin at 6 p.m.
 - e. Strategic Finance Plan review was rescheduled to the April 19, 2005, City Council workshop meeting.
 - f. Information was distributed regarding a request to officially designate a Vietnam Flag. Interim City Manager Prosser reviewed the request to adopt the flag that flew over South Vietnam as the official flag of Vietnam. The request comes from the Vietnamese community in the United States. Beaverton and Portland have adopted as requested. Councilor Wilson said he would generally prefer to stay out of foreign policy, but does not philosophically oppose this request. Mayor Dirksen said he had mixed feelings about this request and said he was unsure of what was being sought. Consensus was that the City Council would review this request at a later date.
 - g. Mr. Dave Nicoli had indicated he would attend the business meeting tonight to address the City Council about the upcoming Balloon Festival; however, Mr. Nicoli will not be able to attend the meeting and will reschedule.
 - h. Information was distributed on a request to support Senate Bill 899, Tax Supervising and Conservation Commission. Interim City Manager Prosser noted Oregon law for the Commission, which applies now to

only Multnomah County. It is a very old law (1912) before a lot of citizen participation and local budget law and applies to counties greater than 500,000 in population. Washington County is likely to reach that number soon. Washington County is sponsoring the legislation that would make a TSCC permissible rather than mandatory. The budget process now followed is working fine. After brief discussion, consensus of City Council was to support SB 899.

- i. Youth Advisory Council President Rob Williams will not attend the Council meeting tonight due to a conflict with a school activity.
- j. City Council confirmed it would not require staff for the 5th Tuesday meeting on March 29. City Council also confirmed it would like to have Stacie Yost facilitate this meeting.
- k. Interim City Manager Prosser distributed the Council Groundrules for review. If any changes are needed, he asked the City Council members to contact staff.
- l. LOC – New officials training – Councilor Harding attend this training; she noted that several of the items reviewed had already been covered by Tigard's legal counsel.
- m. City Council discussed the request by Representative Galizio to hold a Town Hall at the City Council's 5th Tuesday meeting on March 29. Senator Burdick will be invited to attend as well. After discussion, the City Council decided to leave the meeting format open, with no specific agenda items listed. Staff will announce the 5th Tuesday meeting on the City's website, community connector announcements, etc.
- n. Calendar Review
 - March 15: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - March 22: Council Business Meeting – 6:30 p.m. – Town Hall
 - March 29: 5th Tuesday Council Meeting – 7 p.m. – Water Auditorium
 - April 4: Special Meeting - Library Community Room
 - 6-7 – Goal update (staff)
 - 7 - Joint Meeting with Tigard-Tualatin School Board and City of Tualatin City Council
 - April 12: Council Business Meeting – 6:30 p.m. – Town Hall
 - April 19: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - April 25: Budget Committee Meeting – 6:30 p.m. – Library Community Room
 - April 26: Council Business Meeting – 6:30 p.m. – Town Hall
- o. Council members agreed to pull Agenda Items 3.3 to 3.5 off the Consent Agenda as suggested by Mayor Dirksen so the public can hear some discussion on these items.

> CITY COUNCIL ORIENTATION

- City Attorney Ramis presented orientation information on personal/municipal liability, and state ethics rules. The outline of

information used by Mr. Ramis for this presentation is on file in the City Recorder's office.

During the discussion on gifts and honoraria, Mayor Dirksen noted that he had been invited by a group to speak at a session held in California, with expenses paid. After checking with the Oregon Government Standards and Practices Commission (OGSPC), an expense-paid trip for this purpose would violate the State's ethics regulations; therefore, the Mayor did not attend.

Mr. Ramis advised that an informal (not binding) opinion can be issued by OGSPC. A formal, binding opinion can be requested from the OGSPC, but it usually takes a long time.

Councilor Harding advised she recently attended a session sponsored by the League of Oregon Cities (LOC) where it was recommended that officials should consult with their City Attorney or the LOC staff attorney on an ethics question. Such consultation could mean that if a claim is made the insurance deductible (\$2,500) would be waived.

After brief discussion about disclosing a site visit to a property that is the subject of a quasi-judicial hearing, City Attorney Ramis encouraged the City Council members to report the visit and, if the Councilor noticed anything that would influence his or her decision, to mention it.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:12 p.m. to discuss pending litigation under ORS 192.660(2)(h).

> Executive Session concluded at 7:25 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the meeting to order at 7:31 p.m.
- 1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, and Wilson; Councilor Woodruff was absent.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports - none
- 1.5 Call to Council and Staff for Non-Agenda Items

An Executive Session will be required at the end of the business meeting.

2. CITIZEN COMMUNICATION

- Tigard High School Student Envoy Nikki Pham presented an update of activities at Tigard High School; an outline of activities was distributed to the City Council.
- Follow-up to Previous Citizen Communication

Interim City Manager Prosser advised that a representative of CPO 4B had appeared before the City Council to invite Tigard staff members to its meetings. Mr. Prosser advised that the policy of the City with regard to the participation of Tigard staff at the CPO 4B would be routed through the County.

Interim City Manager Prosser referred to a request for research on an offer of donation open space property in the Ash Creek Estates area. Mr. Prosser said he had asked the Public Works Director to contact the developer to determine if a donation offer was still open. If such a donation is possible, staff will bring this matter to the City Council on April 19, as the City Council discusses park acquisition policies.

Interim City Manager Prosser noted the other citizen communications included an invitation to a tree planting event and citizen's concerns about how development is occurring in Tigard and surrounding areas. This citizen had been invited to participate in the Comprehensive Plan amendment process.

3. CONSENT AGENDA:

Interim City Manager Prosser reviewed the items listed on the Consent Agenda:

- 3.1 Approve Council Minutes for October 1, 2004 and January 25, 2005
- 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda

(Items 3.3 to 3.5 were considered separately by Council; see below.)

- 3.6 Approve Budget Amendment No. 11 to the FY 2004-05 Budget to Increase Appropriations for Funding the City Manager Separation Agreement – Resolution No. 05-13

RESOLUTION NO. 05-13 – A RESOLUTION APPROVING BUDGET AMENDMENT NO. 11 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF THE CITY MANAGER SEPARATION AGREEMENT

- 3.7 Approve Intergovernmental Agreement between Washington County and the City of Tigard for Administration of Urban Area Security Initiative (UASI) Grant Program
- 3.8 Appoint Theodora (Teddi) Duling to the Planning Commission to Complete the Term Initiated by Scot Sutton – Resolution No. 05-14

RESOLUTION NO. 05-14 – A RESOLUTION APPOINTING THEODORA (TEDDI) DULING AS A MEMBER OF THE PLANNING COMMISSION TO COMPLETE THE TERM INITIATED BY SCOT SUTTON

3.9 Local Contract Review Board:

- a. Approve Purchase of Mobile Data Computers (MDCs)
- b. Award Structural Plan Review Services Contract to Miller Consulting Engineers, Inc.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda, with Items 3.3 to 3.5 being removed for separate consideration.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

Mayor Dirksen recognized Theodora (Teddi) Duling who was present and had just been appointed to the Planning Commission (Consent Agenda Item 3.8). Mayor Dirksen presented Ms. Duling with a City of Tigard lapel pin.

Mayor Dirksen noted that Consent Agenda Items 3.3 to 3.5 would now be discussed:

- 3.3 Approve New Collective Bargaining Agreement between the City and Tigard Police Officers Association (TPOA) and Authorize the ~~Mayor~~ City Manager to Sign
- 3.4 Approve Tigard Police Officers Association (TPOA) Addendum G Side Letter Creating a New and Additional Special Assignment Pay to the City of Tigard TPOA Bargaining Unit
- 3.5 Approve Budget Amendment No. 10 to the FY 2004-05 Budget to Increase Appropriations for Funding of the Tigard Police Officer Association (TPOA) Labor Agreement – Resolution No. 05-12

RESOLUTION NO. 05-12 – A RESOLUTION APPROVING BUDGET AMENDMENT #10 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF THE TIGARD POLICE OFFICER ASSOCIATION (TPOA) LABOR AGREEMENT

Human Resources Director Zodrow and Police Chief Dickinson were present to review these items and answer any questions by City Council.

Human Resources Director Zodrow reviewed Item 3.3. Ms. Zodrow advised that negotiations have been underway for some time, including a recent interest arbitration. Awards from interest arbitration are subject to implementation per the collective bargaining act. The arbitrator's award was issued February 13, 2005, and the TPOA agreement reflects the implementation of this award. Ms. Zodrow outlined changes to the agreement including the health insurance plan, health insurance contributions and a cost-of-living adjustment of 2.2% retroactive to July 1, 2004. Staff is asking the Council to implement the arbitration award and adopt the TPOA agreement.

Human Resources Director Zodrow and Police Chief Dickinson reviewed Item 3.4. This item is an addendum to the TPOA agreement. Police Chief Dickinson reviewed the history precipitating this side letter. The side letter represents a compromise between the Union and the City. Staff requests Council approve the side letter.

Item 3.5 was reviewed by Human Resources Director Zodrow. This item presents the budget amendment necessary to implement the TPOA agreement if approved by the City Council.

Motion by Councilor Sherwood, seconded by Councilor Harding, to approve Consent Agenda Items 3.3 through 3.5.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

4. INFORMATIONAL PUBLIC HEARING – FINALIZE FORMATION OF SANITARY REIMBURSEMENT DISTRICT NO. 30 (SW 121st AVENUE)
 - a. Mayor Dirksen opened the public hearing.
 - b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.
 - c. Public Testimony - None
 - d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No. 30.
 - e. Council Discussion – Mayor Dirksen noted this was the continuation of a five-year program to install sewers throughout the City and to support citizens who wanted to hook up to sewer. City Engineer Duenas noted that this program was also instituted as a commitment made to the Walnut island area when this area was annexed.
 - f. Mayor Dirksen closed the public hearing.
 - g. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-15.

RESOLUTION NO. 05-15 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 30 (SW 121ST AVENUE)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

5. INFORMATIONAL PUBLIC HEARING – FINALIZE FORMATION OF SANITARY REIMBURSEMENT DISTRICT NO. 27 (SW MURDOCK STREET, 100TH AVENUE)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.
- c. Public Testimony - None
- d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No. 27.
- e. Council Discussion – None
- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-16.

RESOLUTION NO. 05-16 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 (SW MURDOCK STREET, 100TH AVENUE)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

6. INFORMATION PUBLIC HEARING – FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 34 (SW 117TH AVENUE)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.

- c. Public Testimony - None
- d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No.34.
- e. Council Discussion – None
- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-17.

RESOLUTION 05-17 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 34 (SW 117TH AVENUE)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

7. INFORMATION PUBLIC HEARING – FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 31 (SW O'MARA, EDGEWOOD STREETS)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.
- c. Public Testimony - None
- d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No. 31.
- e. Council Discussion – None
- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration:

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 05-18.

RESOLUTION NO. 05-18 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 31 (SW O'MARA, EDGEWOOD STREETS)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

8. CONSIDER PROPOSED LOCAL IMPROVEMENT DISTRICT (LID) FOR 79TH AVENUE IMPROVEMENTS

- a. Staff Report: City Engineer Duenas reviewed a PowerPoint presentation outlining the highlights of his staff report. A copy is on file in the City Recorder's office. Mr. Duenas advised that proposed development occurring in this area is requesting this LID.

The PowerPoint presentation reviewed by Mr. Duenas included the following information:

- 79th Avenue
 - neighborhood route
 - connects Bonita Road and Durham Road
 - sags and crests on the north half require vertical realignment
 - existing street is extremely deteriorated and needs reconstruction
 - lacks sidewalks and shoulders
- Vicinity maps.
- Photos of the street.
- A summary of the proposed LID formation.
- A summary of the LID process
- Alternatives Considered:
 - Alternative #1 – extends the improvements to just north of Gentle Woods Drive
 - Alternative #2 – stops about 500 feet north of the Alternative #1 project limits
- A drawing of the alternatives considered.
- A review of the existing street design.
- An evaluation of the advantages and disadvantages of LID formation.
- A list of issues.
- Estimated costs for Alternatives 1 and 2.
- Feasibility of the LID
 - The LID appears feasible
 - LID costs can be covered by the value of the properties regardless of which alternative is selected.
- Next step
 - Prepare Preliminary Engineer's report
 - Would examine the proposed LID in greater detail.
- Next step
 - Preliminary Engineer's report would include Scope of work

Proposed district boundaries
Estimated costs
Other relevant information
Recommendation for approval, approval with
conditions, or denial.

- If Council approves
 - Resolution would be prepared for Council's consideration
 - Directing staff to prepare a Preliminary Engineer's Report.
 - Budget adjustment to fund the preparation of the report.

- Recommendations (staff)

Authorize the preparation of a resolution to prepare a Preliminary Engineer's Report.
Authorize the establishment of a funding mechanism for the report using Gas Tax Fund as the funding source.

City Engineer Duenas noted this is the first step in the process for this LID request. Mr. Duenas noted that all property owners in the proposed LID area have not been contacted. Staff will contact these owners if the City Council gives the staff the authority to proceed with the next step for this LID. During his presentation, Mr. Duenas advised that the cost for the preliminary engineer's report does not look very large because there are only a few months remaining in this fiscal year. There will be additional funding reflected in the next fiscal year's budget.

b. Council Discussion

In response to a question from Councilor Wilson, City Engineer Duenas noted that 79th Avenue is a "neighborhood route." Mr. Duenas clarified that the use of the terminology "minor collector street" has been discontinued. City Engineer Duenas noted that bike paths are required on all streets, except for local streets, unless an exception has been approved. City Engineer Duenas said 79th Avenue would provide a good connection for bicyclists. He clarified that bike lanes must be put in on both sides of a street.

Mayor Dirksen recalled that a street improvement on 79th Avenue had been a contentious issue as neighbors were concerned about increased through-traffic. He said their concern might be alleviated because of the downgrade

of the street to a "neighborhood route," which would be more to scale for the needs of the neighborhood.

City Engineer Duenas reviewed for the City Council the lots would be affected by the LID. Councilor Harding expressed concerns this request for an LID. In response to a comment about having the developer pay for the engineering, City Engineer Duenas explained that the property owners would pay for the costs associated with an LID, with the City providing the up front costs. A 66-2/3 percent remonstration against the LID would "kill it."

There was discussion on what would occur if the LID was not put into place. The developer would be required to do half-street improvements. An LID, according to City Engineer Duenas, would allow the City to proceed with full street improvements.

Discussion included concerns about future homes having direct access to 79th Avenue. Also discussed were problems that would occur resulting from infill and piecemeal street improvements.

City Engineer Duenas noted his preference for Alternative #1. He noted that the developer requesting the LID would be paying for a large portion of the LID. Smaller lots pay a proportionate share of the costs.

In response to a questions from Councilor Sherwood, City Engineer Duenas noted he believed this LID would improve the value of the properties in the area.

In response to a question from Councilor Wilson, City Engineer Duenas acknowledged that there would be some steep driveways. Questions for fair compensation for right-of-way would be addressed through the right-of-way appraisal process.

Councilor Harding commented that she was not certain that this LID would increase property values because of the increase of pass-through traffic.

There was discussion that followed on the implementation of the Transportation System Plan in response to a concern raised by Councilor Harding about setting priorities for projects. Councilor Harding noted, as an example, that McDonald Street still did not have sidewalks.

Mayor Dirksen noted that 79th Avenue will have greater local traffic with the new development.

Mayor Dirksen reminded the City Council that this discussion did not constitute a hearing; rather, the issue before Council was to provide

direction to staff on whether or not to move forward with the next step for this LID.

In response to a question from Councilor Harding regarding the funding of the engineering work with gas tax dollars, City Engineer Duenas said that a budget adjustment would be presented to the City Council on April 12 so the staff could move forward with the selection of a consultant to do the design work. Preliminary engineering costs will be recouped from property owners if the LID is formed. If the LID is not formed, then the costs would not be recouped.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to direct staff to continue with the development of the proposed 79th Avenue Local Improvement District.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

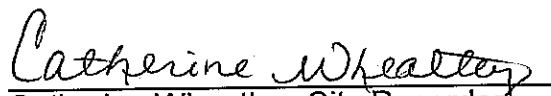
9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS: None

> Business meeting concluded at 8:28 p.m.

11. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 8:33 p.m. to discuss pending litigation under ORS 192.660(2)(h).

12. ADJOURNMENT: 9:16 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard

Date: 4-26-05

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